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REMARKS

The Office Action dated July 7, 2005 (hereinafter, "the Final Office Action") has been received and carefully considered. In this response, claim 48 has been canceled without prejudice. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

I. Enablement Rejection of Claim 48

At section 9 of the Final Office Action, claim 48 is rejected under 35 U.S.C. Section 112, first and second paragraphs. Contrary to the Office's assertions, it is submitted that there is sufficient support for the claimed subject matter of claim 48 and that claim 48 particularly points out and distinctly claims the subject matter regarded as the invention. However, in an effort to advance the present application to issuance, claim 48 has been canceled without prejudice. Withdrawal of this rejection therefore is respectfully requested.

II. Improper Basis of Rejection/Finality of the Office Action Premature

At section 3 of the Non-Final Office Action, dependent claims 18 and 24-26 are rejected as anticipated by Ciacelli (U.S. Patent No. 6,236,727) under 35 U.S.C. Section 102(e), whereas independent claim 17, from which claims 18 and 24-26 depend, is rejected solely as unpatentable over Ciacelli in view of Freeman (U.S. Pat. App. Pub. No. 2002/0129374) under 35 U.S.C. Section 103(a). As dependent claims are no broader than the independent claim from which they depend, it is respectfully submitted that the Office errs in rejecting dependent claims 18 and 24-26 as anticipated when the independent claim 17 is subject to an obvious rejection using the same reference. As this error is material and as the Applicant had previously notified the Office of this error (see Response to Non-Final Office Action dated May 10, 2005), it is respectfully submitted that the finality of the present Office Action is improper and the withdrawal of the finality of the present Office Action therefore is respectfully requested.

III. Anticipation Rejection of Claims 1-3, 8-13, 16, 18, 24-26, 31-33, 38, 39, 47-51 and 54

At section 11 of the Final Office Action (corresponding section 3 of the Non-Final Office Action), claims 1-3, 8-13, 16, 18, 24-26, 31-33, 38, 39, 47-51 and 54 are rejected as being

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anticipated by Ciacelli (U.S. Patent No. 6,236,727).¹ This rejection is hereby respectfully traversed.

A. Rejection of Claims 1-3, 8-13 and 16

Claim 1, from which claims 2, 3, 8-13 and 16 depend, recites the features of:

sending a first encrypted routine of a software driver to a peripheral device, wherein the software driver is to interface with the peripheral device;
decrypting, at the peripheral device, the first encrypted routine to generate a plaintext routine; and
providing the plaintext routine to the software driver.

The Final Office Action asserts that Ciacelli anticipates claim 1 and its dependent claims 2, 3, 8-13 and 16. Contrary to these assertions, it is respectfully submitted that Ciacelli fails to disclose the particular combinations of features recited by claims 1-3, 8-13 and 16.

- 1) The Final Office Action errs in utilizing an obviousness-type argument in an anticipation rejection of claims 2, 3, 8-13 and 16

As described above, claim 1 recites the features of sending a first encrypted routine of a software driver to a peripheral device, *wherein the software driver is to interface with the peripheral device*, decrypting, at the peripheral device, the first encrypted routine to generate a plaintext routine, and providing the plaintext routine to the software driver. With respect to the software driver feature of claim 1, the Final Office Action states that

First of all, "software driver" is a very common term used in the field as to each hardware I/O device must be incorporated/integrated with its software driver in order to perform the desired driver functions and the software driver is also used to interface between multiple system components such as a processor, a peripheral device and a dedicated I/O chip. Therefore, the system architecture, disclosed by Ciacelli in Figure 1, constitutes a corresponding software driver in each of the system components such as device 27-30 and processor 11, etc. *Accordingly, Examiner interprets a software driver in claim 1 as the software driver running at the decoder device 27-30 in Figure 1 of Ciacelli and the first encrypted routine as an encrypted version of a decryption routine.*

Final Office Action, section 3 (emphasis added).

¹ The Final Office Action simply refers to the previous non-final Office Action mailed February 10, 2005 (hereinafter, "the Non-Final Office Action") for the rejections of the claims over cited art. Accordingly, the assertions made in the Non-Final Office Action are treated herein as assertions also made by the Final Office Action.

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Ciacelli does not disclose a software driver in any manner. As an implicit acknowledgement of this fact, the Office instead provides an assertion that "software driver" is "a very common term" and therefore the system architecture of Figure 1 of Ciacelli "constitutes a corresponding software driver in each of the system components." This argument is improper as it is an obviousness-type argument where the Office is relying on information not disclosed by the cited reference, whereas claim 1 is rejected under 35 U.S.C. Section 102, which requires that the cited reference disclose each and every recited feature.

- 2) Ciacelli fails to disclose a sending a first encrypted routine of a software driver to a peripheral device as recited by claim 1

Claim 1 recites the features of sending a first encrypted routine *of a software driver* to a peripheral device, wherein the software driver is to interface with the peripheral device. The Non-Final Office Action asserts that the passage of Ciacelli at column 5, lines 43-45 discloses these features. For ease of reference, this cited passage is reproduced below in its entirety:

The encryption module 22 then transmits the encrypted version of the actual decryption algorithm to module 23 and/or device 27.

Ciacelli, col. 5, lines 43-45.

As noted above, the Office interprets the software driver feature of claim 1 as an undisclosed "software driver" at the decoder device 27-30. The Office further asserts that "when the encrypted version of the actual decryption algorithm is transmitted from processor 11 to device 27-30 (*Ciacelli*: see for example: Column 5 Line 43-45), the software driver at device 27 must be the receiving entity – see the same reason of software driver interface function stated above." *Final Office Action*, section 3. However, claim 1 recites providing a first encrypted routine *of a software driver to a peripheral device*. The decryption algorithm provided from the processor 11 to the "device 27-30" is not "of a software driver" as recited by claim 1. Rather, *Ciacelli* teaches providing the decryption program from the encryption module 22 of the processor 11. Accordingly, *Ciacelli* fails to disclose the provision of an encrypted routine of a software driver to a peripheral device as recited by claim 1.

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- 3) Ciacelli fails to disclose providing a plaintext routine to a software driver as recited by claim 1

Claim 1 further recites the features of decrypting, at the peripheral device, the first encrypted routine to generate a plaintext routine and providing the plaintext routine to the software driver. The Final Office Action asserts that the features of providing the plaintext routine to the software driver are disclosed at the passage of Ciacelli at column 5, lines 35-64. For ease of reference, this cited passage is reproduced below in its entirety:

Alternatively, encryption module 22 and decryption module 23 (or decryption device 27) can be predefined at the design stage to include a resident encryption/decryption routine. Before encryption, module 22 would decide on an actual encryption and decryption algorithm pair to be used. Module 22 would use the resident encryption algorithm to encrypt the actual decryption routine of the selected algorithm pair to be used by the decryption module 23 and/or decryption device 27. The encryption module 22 then transmits the encrypted version of the actual decryption algorithm to module 23 and/or device 27.

Upon receipt of this information, the decryption module 23 and/or device 27 employs the resident decryption algorithm to decrypt the downloaded algorithm. Module 23 then uses the descrambled decryption algorithm as a procedure call, while device 27 could load the algorithm into a programmable circuit within device 27. After completing downloading of the actual decryption algorithm, module 22 uses the actual encryption algorithm to encrypt the data, and module 23 and/or device 27 employs the downloaded decryption routine to decrypt the data. If an update of the encryption/decryption routine is desired, then a different encryption/decryption algorithm pair is selected and encryption module 22 downloads the corresponding decryption algorithm into the decryption module 23 and/or decryption device 27.

After decryption is performed, the receiving data processing module 24 and/or device 28 performs any required data processing, such as MPEG decoding of a clear, compressed video/audio data signal.

Ciacelli, column 5, lines 35-64.

Specifically, the Final Office Action asserts that "the decrypted code, after decrypting, is at device 27-30 and thereby is accessible to the software driver at the decoder device 27-30." As noted above, Ciacelli fails to disclose a software driver at the hardware device 30 in any manner, and therefore fails to disclose providing a plaintext routine to a software driver. Moreover, assuming, *arguendo*, that the hardware device 30 did employ a software driver to interface with the decryption device 27, that the decrypted encryption routine is at the device 27 does not

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necessarily require that it is accessible to any other component of the hardware device 30, much less a software driver. Moreover, even if it is assumed, *arguendo*, that it is accessible to other components of the hardware device 30, this availability is not the same as or equivalent to the feature of "providing the plaintext routine to the software driver" as recited by claim 1 as there is no disclosure in Ciacelli that any software driver implemented at the hardware device would have any information regarding the location of the decrypted encryption routine. Accordingly, Ciacelli fails to disclose providing the plaintext routine to the software driver as recited by claim 1.

- 4) Ciacelli fails to disclose that the first encrypted routine is an encrypted version of an encryption routine as recited by claim 2

Claim 2 recites the additional features of wherein the first encrypted routine is an encrypted version of an encryption routine. The Final Office Action asserts that Ciacelli discloses these features because "Ciacelli discloses the need of re-encryption and teaches not only the decryption algorithm but also the encryption algorithm (as a pair) is proceeded accordingly" and cites the passages of Ciacelli at column 9, lines 6-14, column 5, lines 55-60 and column 5, lines 46-48 in support of this assertion. Although the cited passages disclose a corresponding pairing of encryption algorithms and decryption algorithms, contrary to the Office's assertion, the recited passages of Ciacelli merely disclose providing an encrypted decryption algorithm to the device 30 and fail to disclose that an encryption algorithm is provided to the device 30 in any manner. Rather, Ciacelli discloses the provision of a decryption algorithm to the device 30 and the use of the corresponding paired encryption algorithm at the module 22 of the CPU 11. *See, e.g., Ciacelli*, col. 45-60. Accordingly, Ciacelli fails to disclose the features of wherein the first encrypted routine is an encrypted version of an encryption routine as recited by claim 2.

- 5) Ciacelli fails to disclose that providing a plaintext routine includes storing the plaintext routine in a location in memory accessible by the software driver as recited by claim 16

Claim 16 recites the additional features of wherein providing the plaintext routine includes storing the plaintext routine in a location in memory accessible by the software driver, and where the location in memory is known to the software driver. The Final Office Action

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asserts that "since the decrypted code, after decrypting, is at the device 27-30 and thereby it is accessible to the software driver at the decoder device 27-30." *Final Office Action*, section 7 (emphasis in original). However, the Final Office Action is silent as to the second part of claim 16, i.e., "where the location in memory is known to the software driver." As noted above, Ciacelli fails to disclose a software driver in any manner. Moreover, Ciacelli fails to disclose a software driver that knows the location in memory where the "decrypted code" is allegedly stored. Additionally, as acknowledged by the Office, "Ciacelli teaches (a) clear data is 'never' resident in an accessible computer system structure such as memory buffer to inhibit theft (Ciacelli: see for example, Column 7 Line 16-22) and thereby (b) re-encrypting the encryption /decryption algorithm mechanism is provided (Ciacelli: see for example, Column 9 Line 6-14)." *Final Office Action*, section 5. As Ciacelli teaches that clear data is "never" resident in an accessible computer system structure, Ciacelli not only fails to disclose storing a plaintext routine (i.e., "clear data") in a location in memory, Ciacelli teaches away from such storage so as "to inhibit theft."

- 6) The Final Office Action fails to establish a *prima facie* case of anticipation of claims 1-3, 8-13 and 16

As described above, the Final Office Action relies on alleged information not disclosed by the cited reference and therefore improperly asserts an obviousness-type argument in violation of the anticipation requirements of the 35 U.S.C. Section 102 rejection applied to claims 1-3, 8-13 and 16. Moreover, Ciacelli fails to disclose the particular combination of features recited by claim 1, as well as the features recited by claims 2, 3, 8-13 and 16 at least by virtue of their dependency from claim 1. Moreover, these dependent claims recite additional features not disclosed by Ciacelli. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 1-3, 8-13 and 16 is respectfully requested.

B. Rejection of Claims 18 and 24-26

Claim 17, from which claims 18 and 24-26 depend, recites the features of:

sending a first encrypted routine of a software driver to a peripheral device, wherein the software driver is to interface with the peripheral device;
decrypting, at the peripheral device, the first encrypted routine to generate a plaintext routine; and
providing the plaintext routine to the software driver.

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The Final Office Action asserts that Ciacelli anticipates claims 18 and 14-26. Contrary to these assertions, it is respectfully submitted that Ciacelli fails to disclose the particular combinations of features recited by claims 18 and 24-26 at least by virtue of their dependency from claim 17.

- 1) The Final Action errs in utilizing an obviousness-type argument in an anticipation rejection of claims 2, 3, 8-13 and 16

As described above with respect to claim 1, Ciacelli does not disclose a software driver in any manner and the Office's use of an obviousness-type argument where the Office is relying on information not disclosed by the cited reference is improper as claims 18 and 24-26 are rejected under 35 U.S.C. Section 102, which requires that the cited reference disclose each and every recited feature.

- 2) Ciacelli fails to disclose a graphics chip as recited by claims 18 and 24-26

Claim 17 recites the features of sending a first encrypted routine of a software driver *to a graphics chip*. These features are incorporated into claims 8 and 24-26 by virtue of their dependency from claim 17. As acknowledged by the Non-Final Office Action, "Ciacelli does not disclose expressly the hardware device is a graphic[s] chip." *Non-Final Office Action*, section 4. Thus, Ciacelli fails to disclose the features of sending a first encrypted routine of a software driver to a graphics chip as recited by claims 17, 18 and 24-26.

- 3) Ciacelli fails to disclose a sending a first encrypted routine of a software driver to a peripheral device as recited by claim 18 and 24-26

Claim 17 recites the features of sending a first encrypted routine *of a software driver* to a graphics device, wherein the software driver is to interface with the graphics chip. As noted above, Ciacelli fails to disclose a software driver in any manner and therefore necessarily fails to disclose the features of sending a first encryption routine of a software driver or the features of wherein the software driver is to interface with a graphics chip as recited by claims 17, 18 and 24-26.

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- 4) Ciacelli fails to disclose storing the plaintext routine in memory in a location known to a software driver as recited by claims 18 and 24-26

Claim 17 recites the features of storing the plaintext routine in memory in a location known to the software driver. As similarly described above with respect to claim 16, Ciacelli fails to disclose a software driver that knows the location in memory where the "decrypted code" is allegedly stored. Additionally, as acknowledged by the Office, "Ciacelli teaches (a) clear data is 'never' resident in an accessible computer system structure such as memory buffer to inhibit theft (Ciacelli: see for example, Column 7 Line 16-22) and thereby (b) re-encrypting the encryption /decryption algorithm mechanism is provided (Ciacelli: see for example, Column 9 Line 6-14)." *Final Office Action*, section 5. As Ciacelli teaches that clear data is "never" resident in an accessible computer system structure, Ciacelli not only fails to disclose storing a plaintext routine (i.e., "clear data") in a location in memory, Ciacelli teaches away from such storage so as "to inhibit theft."

- 5) The Final Office Action fails to establish a *prima facie* case of anticipation of claims 18 and 24-26

As described above, the Final Office Action relies on alleged information not disclosed by the cited reference and therefore improperly asserts an obviousness-type argument in violation of the anticipation requirements of the 35 U.S.C. Section 102 rejection applied to claims 18 and 24-26. Moreover, Ciacelli fails to disclose the particular combination of features recited by claims 18 and 24-26 at least by virtue of their dependency from claim 17. Moreover, these dependent claims recite additional features not disclosed by Ciacelli. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 18 and 24-26 is respectfully requested.

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C. Rejection of Claims 31-33, 38 and 39

Claim 31, from which claims 32, 33, 38 and 39 depend, recites the features of:

- a processor;
- memory operably coupled to said processor;
- a peripheral device, said peripheral device to decrypt a first encrypted routine and generate a plaintext routine;
- a software driver, wherein said software driver is to interface with said peripheral device, said software driver including a program of instructions capable of being stored in said memory and executed by said processor, said program of instructions to manipulate said processor to:
 - send the first encrypted routine of said software driver to said peripheral device;
 - and
 - execute the plaintext routine.

The Final Office Action asserts that Ciacelli anticipates claims 31-33, 38 and 39.

Contrary to these assertions, it is respectfully submitted that Ciacelli fails to disclose the particular combinations of features recited by claims 31-33, 38 and 39.

- 1) Ciacelli fails to disclose a software program including a program of instructions capable of being stored in memory and executed by a processor as recited by claim 31

As described above with respect to claims 1 and 17, Ciacelli fails to disclose a software driver in any manner. As also noted above, the Office argues in effect that it would have been obvious to implement a software driver at the hardware device 30 to interface with the decoder device 27. However, regardless of whether one of ordinary skill in the art would be motivated to implement a software driver at device 30, Ciacelli fails to disclose that the hardware device 30 is a processor. Moreover, Ciacelli fails to disclose that the hardware device 30 that can be manipulated by a program of instructions. Accordingly, Ciacelli fails to disclose or suggest a software driver including a program of instructions capable of being stored in memory and executed by a processor so as to manipulate the processor as recited by claim 33.

- 2) Ciacelli fails to disclose a program of instructions that manipulates a processor to execute a plaintext routine as recited by claim 31

Claim 31 further recites the features of a peripheral device to decrypt a first encrypted routine and generate a plaintext routine and a software driver that includes a program of instructions to manipulate a processor to execute the plaintext routine. As noted above, Ciacelli

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fails to disclose that the devices 27 or 30 are processors, so Ciacelli fails to disclose a program of instructions that manipulate a processor to execute a plaintext routine.

- 3) The Final Office Action fails to establish a *prima facie* case of anticipation of claims 31-33, 38 and 39

As described above, the Final Office Action relies on alleged information not disclosed by the cited reference and therefore improperly asserts an obviousness-type argument in violation of the anticipation requirements of the 35 U.S.C. Section 102 rejection applied to claims 31-33, 38 and 39. Moreover, Ciacelli fails to disclose the particular combination of features recited by claim 31, as well as claims 32, 33, 38 and 39 at least by virtue of their dependency from claim 31. Moreover, these dependent claims recite additional features not disclosed by Ciacelli. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 31-33, 38 and 39 is respectfully requested.

D. Rejection of Claim 47

Claim 47 recites the features of:

 sending a first encrypted routine of a first software driver to a peripheral device, wherein the software driver is to interface with the peripheral device;
 decrypting, at the peripheral device, the first encrypted routine to generate a plaintext routine; and
 providing the plaintext routine to a second software driver.

The Final Office Action asserts that Ciacelli anticipates claim 47. Contrary to these assertions, it is respectfully submitted that Ciacelli fails to disclose the particular combination of features recited by claim 47.

- 1) The Final Action errs in utilizing an obviousness-type argument in an anticipation rejection of claim 47

As described above with respect to claim 1, Ciacelli does not disclose a software driver in any manner and the Office's use of an obviousness-type argument where the Office is relying on information not disclosed by the cited reference is improper as claim 47 is rejected under 35 U.S.C. Section 102, which requires that the cited reference disclose each and every recited feature.

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- 2) Ciacelli fails to disclose a providing a plaintext routine to a second software driver as recited by claim 47

Claim 17 recites the features of sending a first encrypted routine of a first software driver to a peripheral device, decrypting, at the peripheral device, the first encrypted routine to generate a plaintext routine, and providing the plaintext routine to a second software driver. The Non-Final Office Action asserts that the passage of Ciacelli at column 9, lines 6-14 discloses these features. However, not only does Ciacelli fail to disclose a software driver in any manner, Ciacelli fails to disclose sending a first encrypted routing of a first software driver to a peripheral device and providing the resulting plaintext routine to a second software driver as recited by claim 47.

- 3) The Final Office Action fails to establish a *prima facie* case of anticipation of claim 47

As described above, the Final Office Action relies on alleged information not disclosed by the cited reference and therefore improperly asserts an obviousness-type argument in violation of the anticipation requirements of the 35 U.S.C. Section 102 rejection applied to claim 47. Moreover, Ciacelli fails to disclose the particular combination of features recited by claim 47. Accordingly, reconsideration and withdrawal of the anticipation rejection of claim 47 is respectfully requested.

E. Rejection of Claims 49-51 and 54

Claim 49, from which claims 50, 51 and 54 depend, recites the features of:

sending a first encrypted data associated with an application to a peripheral device,
wherein the application is to interface with the peripheral device;
decrypting, at the peripheral device, the first encrypted data to generate a plaintext data;
and
providing the plaintext data to the application.

The Final Office Action asserts that Ciacelli anticipates claims 49-51 and 54. Contrary to these assertions, it is respectfully submitted that Ciacelli fails to disclose the particular combinations of features recited by claims 49-51 and 54.

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- 1) Ciacelli fails to disclose a sending a first encrypted routine of an application to a peripheral device as recited by claim 49

Claim 49 recites the features of sending a first encrypted routine *of an application* to a peripheral device, wherein the application is to interface with the peripheral device. As similarly noted above, Ciacelli fails to disclose that the encrypted decryption routine of Ciacelli is *of an application* as recited by claim 49.

- 2) Ciacelli fails to disclose providing plaintext data to the application as recited by claim 49

As noted above, Ciacelli fails to disclose an application at the hardware device 30 in any manner, and therefore fails to disclose providing a plaintext routine to an application. Moreover, assuming, *arguendo*, that the hardware device 30 did employ an application to interface with the decryption device 27, that the decrypted encryption routine is at the device 27 does not necessarily require that it is accessible to any other component of the hardware device 30, much less an application. Moreover, even if it is assumed, *arguendo*, that is accessible to other components of the hardware device 30, this availability is not the same as or equivalent to the feature of "providing the plaintext routine to the application" as recited by claim 49 as there is no disclosure in Ciacelli that any application implemented at the hardware device would have any information regarding the location of the decrypted encryption routine. Accordingly, Ciacelli fails to disclose providing the plaintext routine to the application as recited by claim 49.

- 3) The Final Office Action fails to establish a *prima facie* case of anticipation of claims 49-51 and 54

As described above, the Final Office Action relies on alleged information not disclosed by the cited reference and therefore improperly asserts an obviousness-type argument in violation of the anticipation requirements of the 35 U.S.C. Section 102 rejection applied to claims 49-51 and 54. Moreover, Ciacelli fails to disclose the particular combination of features recited by claim 49, as well as the particular combination of features recited by claims 50, 51 and 54 at least by virtue of their dependency from claim 49. Moreover, these dependent claims recite additional features not disclosed by Ciacelli. Reconsideration and withdrawal of the anticipation rejection of claims 49-51 and 54 therefore is respectfully requested.

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IV. Obviousness Rejections of Claims 4-7, 14, 15, 17, 19-23, 28-30, 34-38, 40-46, 52 and 53

At section 11 of the Final Office Action (corresponding sections 4-6 of the Non-Final Office Action), claims 4-7, 17, 19-23, 30, 34-38, 40-46, 52 and 53 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Ciacelli in view of Freeman (U.S. Pat. App. Pub. No. 2002/0129374). Claims 14 and 15 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Ciacelli in view of Wilson (U.S. Patent No. 4,520,232). At section 6 of the Non-Final Office Action, claims 28 and 29 are rejected under 35 U.S.C. Section 103 as being unpatentable over Ciacelli in view of Freeman and further in view of Wilson. These rejections are respectfully traversed.

A. Rejections of Claims 4-7, 14 and 15

Claims 4-7 are rejected as unpatentable over the proposed combination of Ciacelli and Freeman and claims 14 and 15 are rejected as unpatentable over the proposed combination of Ciacelli and Wilson. As noted above, Ciacelli fails to disclose the particular combination of features recited by claim 1, from which claims 4-7, 14 and 15 depend. Likewise, Ciacelli does not suggest each and every feature of claim 1. The Final Office Action does not assert that Freeman or Wilson disclose or suggest any of the features of claim 1, nor do Freeman or Wilson in fact disclose any of the features of claim 1. Accordingly, the proposed combinations of Ciacelli, Freeman and Wilson fail to disclose or suggest each and every feature of claim 1 and therefore fail to disclose or suggest each and every feature of claims 4-7, 14 and 15 at least by virtue of their dependency from claim 1. Moreover, these claims recite additional features neither disclosed nor suggested by the cited references. Reconsideration and withdrawal of the obviousness rejections of claims 4-7, 14 and 15 therefore is respectfully requested.

B. Rejections of Claims 17, 19-23 and 28-30

Claims 17, 19-23 and 30 are rejected as unpatentable over Ciacelli in view of Freeman and claims 28 and 29 are rejected as unpatentable over Ciacelli in view of Freeman and Wilson. As described above, the Ciacelli fails to disclose the particular combination of features recited by claim 17, from which claims 19-23 and 28-30 depend. Ciacelli also fails to suggest each and every feature recited by claim 17. Moreover, Freeman and Wilson fail to disclose or suggest any of the recited features of claim 17. Accordingly, the proposed combinations of Ciacelli, Freeman and Wilson fail to disclose or suggest each and every feature of claim 17, as well as each and

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every feature of claims 19-23 and 28-30 at least by virtue of their dependency from claim 17. Moreover, these claims recite additional features neither disclosed nor suggested by the cited references. For example, as similarly described with respect to claim 16, Ciacelli not only fails to disclose the features of storing a plaintext routine in a location in memory accessible by a software driver as recited by claim 30, Ciacelli in fact teaches away from such features. Reconsideration and withdrawal of the obviousness rejections of claims 17, 19-23 and 28-30 therefore is respectfully requested.

C. Rejection of Claims 34-38

Claims 34-38 are rejected as unpatentable over Ciacelli in view of Freeman. As described above, the Ciacelli fails to disclose the particular combination of features recited by claim 31, from which claims 34-38 depend. Ciacelli also fails to suggest each and every feature recited by claim 31. Moreover, Freeman fails to disclose or suggest any of the recited features of claim 31. Accordingly, the proposed combinations of Ciacelli and Freeman fails to disclose or suggest each and every feature of claim 31, as well as each and every feature of claims 34-38 at least by virtue of their dependency from claim 31. Moreover, these claims recite additional features neither disclosed nor suggested by the cited references. Reconsideration and withdrawal of the obviousness rejection of claims 34-38 therefore is respectfully requested.

D. Rejection of Claims 52 and 53

Claims 52 and 53 are rejected as unpatentable over Ciacelli in view of Freeman. As described above, the Ciacelli fails to disclose the particular combination of features recited by claim 49, from which claims 52 and 43 depend. Ciacelli also fails to suggest each and every feature recited by claim 49. Moreover, Freeman fails to disclose or suggest any of the recited features of claim 49. Accordingly, the proposed combinations of Ciacelli and Freeman fails to disclose or suggest each and every feature of claim 49, as well as each and every feature of claims 52 and 53 at least by virtue of their dependency from claim 49. Moreover, these claims recite additional features neither disclosed nor suggested by the cited references. Reconsideration and withdrawal of the obviousness rejection of claims 52 and 53 therefore is respectfully requested.

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E. Rejection of Claims 40-46

Claim 40, from which claims 41-46 depend, recites the features of:

- a first interface to receive a first encrypted routine of a software driver;
- a first hardware component to decrypt the first encrypted routine received by said interface and generate a plaintext routine; and
- a second interface to output the plaintext routine for use by said software driver.

The Final Office Action asserts that the proposed combination of Ciacelli and Freeman discloses or suggests subject matter recited by claims 40-46. Contrary to these assertions, it is respectfully submitted that the proposed combination of Ciacelli and Freeman fails to disclose or suggest the particular combinations of features recited by claims 40-46.

- 1) The proposed combination of Ciacelli and Freeman fails to disclose or suggest a first encrypted routine of a software driver as recited by claim 40

Claim 40 recites the features of a first interface to receive a first encrypted routine *of a software driver*. As noted above, Ciacelli fails to disclose or suggest a software driver in any manner. The Final Office Action does not assert that Freeman discloses or suggests a software driver, nor in fact is a software driver disclosed or suggested by Freeman. Accordingly, the proposed combination of Ciacelli and Freeman consequently fails to disclose or suggest a first encrypted routine of a software driver as recited by claim 40.

- 2) The proposed combination of Ciacelli and Freeman fails to disclose or suggest a second interface to output a plaintext routine for use by a software driver as recited by claim 40

Claim 40 further recites the features of a first hardware component to decrypt the first encrypted routine and generate a plaintext routine, and a second interface to output the plaintext routine for use by said software driver. As noted above, Ciacelli and Freeman fail to disclose or suggest a software driver in any manner and the proposed combination of Ciacelli and Freeman consequently fails to disclose or suggest a second interface to output a plaintext routine for use by a software driver as recited by claim 40.

- 3) The Final Office Action fails to establish a *prima facie* case of obviousness for claims 40-46

As described above, the proposed combination of Ciacelli and Freeman fails to disclose or suggest the particular combination of features recited by claim 40, as well as the particular

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combination of features recited by claims 41-46 at least by virtue of their dependency from claim 40. Moreover, these dependent claims recite additional features not disclosed or suggested by the cited references. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 40-46 is respectfully requested.

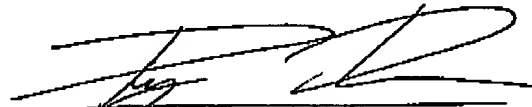
V. Conclusion

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-0441.

Respectfully submitted,

7 September 2005
Date


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